

## **REMARKS**

Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1, 8-16, and 25-31 were pending at the time of the action.
- Claims 10, 12, and 31 are canceled herein.
- Claims 1, 8, 9, 16, 25, 28, and 30 are amended herein.
- New claims 41-62 are added herein.
- Claims 1, 8-11, 13-16, 25-30, and 41-62 are presented for examination.

Support for the amendments and the new claims is found in the application, as originally filed, at least at FIG. 7 and paragraphs [0037], [0047]-[0056], and [0060]. The amendments and new claims submitted herein do not introduce new matter.

### **Claim 8 Recites Statutory Subject Matter Under § 101**

Claim 8 stands rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses this rejection. Nevertheless, solely in the interest of expediting allowance, Applicant amends claim 8 as shown above. Applicant respectfully requests reconsideration in light of the amendment presented herein and the remarks below.

The application as originally filed presents at least two types of computer-readable media, specifically “computer storage media” and “communication media.” See e.g., *Specification*, [0060] and [0063]. The description of “communication media” includes “a modulated signal,” or “a carrier wave.” *Id.* Accordingly, Applicant respectfully asserts that claim 8, at least as amended to recite “One or more computer storage media comprising computer executable instructions recorded thereon that,

when executed on a computer, configure the compute to perform the method of claim 1,” is directed to statutory subject matter at least because it does not recite “communication media.”

Accordingly, Applicant respectfully requests that the Office withdraw the § 101 rejection.

### **Cited Documents**

The following documents have been applied to reject one or more claims of the Application:

- **Ellis:** Ellis, et al., U.S. Patent Application Publication No. 2005/0283800
- **Hassell:** Hassell, et al., U.S. Patent Application Publication No. 2007/0033615
- **D'Souza:** D'Souza, et al., U.S. Patent Application Publication No. 2006/0117348
- **Knudson '823:** Knudson, et al., U.S. Patent No. 7,254,823
- **Hoarty:** Hoarty, U.S. Patent No. 6,305,020
- **Jerding '982:** Jerding, U.S. Patent No. 6,738,982
- **Houghton:** Houghton, et al., U.S. Patent Application Publication No. 2005/0021609
- **Jerding '616:** Jerding, et al., U.S. Patent No. 6,792,616
- **Knudson '577:** Knudson, et al., U.S. Patent No. 6,526,577

### **Claims 1 and 8 are Non-Obvious Over Ellis in view of Hassell and further in view of D'Souza**

Claims 1 and 8 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Ellis in view of Hassell and further in view of D'Souza. Applicant respectfully traverses the rejection. Nevertheless, solely in the interest of expediting allowance, Applicant amends claim 1 as shown above. Applicant respectfully requests reconsideration in light of the amendment presented herein.

Independent Claim 1

Claim 1, as amended herein, recites:

A method comprising:

receiving, by a client device, electronic program guide (EPG) data from an EPG provider, the EPG data describing characteristics of media assets that are available from a content provider;

identifying, by the client device, one or more locally available media assets, the locally available media assets including:

a local media asset previously stored on the client device from a broadcast of a content provider over the network; and

a local media asset that is available for output through execution of an application installed on the client device, the application being selected from a group of applications;

generating, by a guide application on the client device, an EPG display based on the EPG data and the locally available media assets, the EPG display being configured to simultaneously display different types of media assets including the media assets that are available from the content provider and each of the local media assets as respective different types of media assets, each media asset being directly selectable through interaction with the EPG display;

receiving a user-submitted selection of a particular media asset represented in the EPG display, the particular media asset being selected from those being simultaneously displayed;

in response to the user-submitted selection of the particular media asset being received through interaction with the EPG display:

the guide application passing the user-submitted selection to a virtual tuner executed on the client device; and

the virtual tuner executed on the client device selecting an application for presenting the particular media asset;

managing, by the virtual tuner, execution of the application for presenting the particular media asset.

Ellis describes an “interactive television program guide system that serves as a portal” to “program guide applications and non-program guide applications.” See *Ellis*, Title and Abstract. Before the amendment the Office acknowledges, and Applicant

agrees that Ellis does not teach or suggest each claimed feature of claim 1. In an effort to remedy the deficiency of Ellis, the Office cites Hassell and D'Souza.

Hassell describes a “television program guide with a digital storage device and a secondary storage device.” *Hassell*, Title.

Meanwhile, D'Souza describes “displaying editorial content through television navigation controls and electronic program guides.” For example, the system of D'Souza presents a “surf guide” in response to a user input while viewing media content. The surf guide provides details about the current media content, and also includes a graphical control that allows the user to access editorial content items related to the current media content. See *D'Souza*, FIG. 5 and [0040]. When the user selects the editorial content graphical control, the presentation software displays an editorial content index listing the available editorial content items. From there, the user can select any of the listed editorial content items. See *Id.*, [0041].

However, none of the cited documents, whether taken alone or in combination, teach or suggest at least the following as recited in amended claim 1 (with emphasis added):

generating, by a guide application on the client device, an EPG display based on the EPG data and the locally available media assets, the EPG display being configured to **simultaneously display** different types of media assets including the media assets that are available from the content provider and each of the local media assets as respective different types of media assets, **each media asset being directly selectable through interaction with the EPG display**

In contrast, the “editorial content” discussed in D'Souza, is accessed through a link to an index presented in a surf guide. The link to the editorial content is not provided in an EPG. Instead, the surf guide of D'Souza includes a link to an editorial

content index from which the editorial content may then be accessed through an additional selection. While D'Souza states that the “editorial content item may be displayed in place of the editorial content index page, within the context of the surf guide,” Applicant understands this statement of D'Souza to mean that the content replaces the index in the display after the user makes a selection in the editorial content index page. See *D'Souza*, [0033]. Accordingly, D'Souza does not teach or suggest “generating, by a guide application on the client device, an EPG display based on ... EPG data and ... locally available media assets, the EPG display being configured to simultaneously display ... each media asset [as] being directly selectable through interaction with the EPG display,” as recited in amended claim 1.

For at least the reasons presented herein, the combination of Ellis, Hassell, and D'Souza, assuming they are properly combinable, which Applicant does not concede, does not teach or suggest all of the features of claim 1. Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 1.

#### Dependent Claim 8

Claim 8 depends from independent claim 1. As discussed above, claim 1 is allowable over the cited documents. Therefore, claim 8 is allowable over the cited documents of record at least for dependency from an allowable base claim, and also for the additional features that it recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 8.

**Claims 9, 11, 13, 14, and 16 are Non-Obvious Over Knudson '823 in view of D'Souza**

Claims 9, 11, 13, 14, and 16 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Knudson '823 in view of D'Souza. Applicant respectfully traverses the rejection. Nevertheless, solely in the interest of expediting allowance, Applicant amends claim 9 as shown above. Applicant respectfully requests reconsideration in light of the amendment presented herein.

**Independent Claim 9**

Claim 9, as amended herein to incorporate the subject matter of former claim 12, now canceled, recites:

In a virtual tuner executed on a client, a method comprising:  
receiving, by the virtual tuner, a selection made from a plurality of content using an EPG that is output by the client, wherein:  
the EPG includes a representation of each said content for simultaneous display by the client;  
each said content is provided for output by a respective one or more of a plurality of applications; and  
at least one said content is television programming;  
choosing, by the virtual tuner, one or more of the plurality of applications that, when executed, provide the selected content represented by the EPG, wherein the choosing is independent of any application identifying information originating from a computer distinct from the client; and  
managing, by the virtual tuner without user intervention, a lifecycle of the chosen one or more applications including execution of the chosen one or more applications to output the selected content.

Knudson '823 describes an interactive program guide representing multiple channels over which media content is available, and that each of the channels carries programming of primarily one media type. Thus, there are television channels, digital

audio channels, games channels, video-on-demand channels, data channels, etc. See *Knudson* '823, c. 6, ll. 12-15. The program guide may provide the user with the option of creating a favorites channel list that stores channels designated as favorites in a single list, without regard to media type. *Id.*, c. 6, ll. 64 to c. 7, ll. 2. FIG. 10 of *Knudson* '823 illustrates a selection screen wherein the program guide displays program listings for channels of available media types. Selection of any channel, regardless of favorite status or media type, is available from this screen. See *Id.*, FIG. 10 and c. 9, ll. 5-9.

However, the Office acknowledges, and Applicant agrees that *Knudson* '823 does not teach or suggest at least “managing, by the virtual tuner execution of the chosen one or more applications to output the selected content,” as previously recited in claim 9. Before the amendment, in an effort to remedy the deficiency, the Office cites D’Souza. *Action*, pp. 13-15. D’Souza has been discussed above. Moreover, in rejecting former claim 12, the Office acknowledges that the purported combination of *Knudson* '823 and D’Souza does not teach or suggest “managing a lifecycle of the chosen one or more applications,” and cites *Jerding* '982 in an effort to remedy the deficiency. *Action*, p. 18.

*Jerding* '982 describes a “service application manager (SAM)” as follows:

service application manager (SAM) 29 [as] a component of [a] platform 27 that provides a model in which the **subscriber can access services available on the system**. A service consists of an application to run and a parameter, such as data content, specific to that service. The SAM 29 handles the lifecycle of the applications on the system, including the definition, initiation, activation, suspension and deletion of services they provide ad the downloading of the application into the DHCT 16 as necessary.

*Jerding* '982, c. 3, ll. 19-27 (emphasis added).

However, as highlighted by the amendment the claimed virtual tuner manages “a lifecycle of the chosen one or more applications including execution of the chosen one or more applications to output the selected content [without user intervention].”

For at least the reasons presented herein, the combination of Knudson ‘823 and D’Souza, with or without the addition of Jerding ‘982, does not teach or suggest all of the features of claim 9. Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 9.

#### Dependent Claims 11, 13, 14, and 16

Claims 11, 13, 14, and 16 depend from independent claim 9. As discussed above, claim 9 is allowable over the cited documents. Therefore, claims 11, 13, 14, and 16 are allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for the additional features that each recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claims 11, 13, 14, and 16.

#### Claim 10 is Non-Obvious Over Knudson ‘823 in view of D’Souza and further in view of Hoarty

Claim 10 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Knudson ‘823 in view of D’Souza and further in view of Hoarty. Applicant respectfully traverses the rejection.

#### Dependent Claim 10

Claim 10 depends from independent claim 9. As discussed above, claim 9 is allowable over the combination of Knudson ‘823 in view of D’Souza. Hoarty is cited for

allegedly teaching “terminating the chosen one or more applications when the outputting is completed or an event is received from the EPG,” as recited in claim 10. However, Hoarty fails to remedy the deficiencies of the combination of Knudson ‘823 in view of D’Souza as noted above with regard to independent claim 9. Therefore, claim 10 is allowable over the cited documents of record at least for dependency from an allowable base claim, and also for the additional features that it recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 10.

**Claim 12 is Non-Obvious Over Knudson ‘823 in view of D’Souza and further in view of Jerding ‘982**

Claim 12 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Knudson ‘823 in view of D’Souza and further in view of Jerding ‘982. Applicant respectfully traverses the rejection. Nevertheless, without prejudice to or disclaimer of the subject matter recited therein, Applicant cancels claim 12, thereby rendering the rejection moot.

**Claim 15 is Non-Obvious Over Knudson ‘823 in view of D’Souza and Houghton and further in view of Hassell**

Claim 15 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Knudson ‘823 in view of D’Souza and Houghton and further in view of Hassell. Applicant respectfully traverses the rejection.

**Dependent Claim 15**

Claim 15 depends from independent claim 9. As discussed above, claim 9 is allowable over the combination of Knudson ‘823 in view of D’Souza. Houghton and

Hassell are cited for allegedly teaching that “the plurality of content includes remote content available over the Internet and local content available locally on the client,” as recited in claim 15. However, Houghton and Hassell fail to remedy the deficiencies of the combination of Knudson ‘823 in view of D’Souza as noted above with regard to independent claim 9. Therefore, claim 15 is allowable over the cited documents of record at least for dependency from an allowable base claim, and also for the additional features that it recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 15.

**Claims 25 and 27-29 are Non-Obvious Over Knudson ‘823 in view of D’Souza and further in view of Jerding ‘616**

Claims 25 and 27-29 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Knudson ‘823 in view of D’Souza and further in view of Jerding ‘616. Applicant respectfully traverses the rejection. Nevertheless, solely in the interest of expediting allowance, Applicant amends claim 25 as shown above. Applicant respectfully requests reconsideration in light of the amendment presented herein.

**Independent Claim 25**

Claim 25, as amended herein, recites:

A client comprising:  
a processor;  
a network interface, communicatively coupled to the processor, configured to provide a network connection to a wide area network (WAN);  
an output interface, communicatively coupled to the processor, the output interface configured to provide an output for rendering by a display device; and  
a memory configured to maintain:

a plurality of applications that are executable on the processor to provide an output of content on the output interface, the content including remote content available over the WAN and local content available locally on the client and the local content being comprised of user provided content;

an electronic program guide (EPG) engine that is executable on the processor to provide an EPG for output on the output interface, wherein the EPG simultaneously displays a plurality of representations of said content for selection; and

a virtual tuner that is executable on the processor to launch one or more of said plurality of applications in response to selection of said representations of said content, independent of any application identifying information originating from a computer distinct from the client, said virtual tuner utilizing an application identification table that includes a listing of one or more applications to enable execution of each of said plurality of applications.

Knudson '823 and D'Souza have been discussed above. The Office acknowledges, and Applicant agrees that the combination of Knudson '823 and D'Souza does not teach or suggest at least "a memory configured to maintain: a plurality of applications that are executable on the processor to provide an output of content on the output interface," as previously recited in claim 25. Before the amendment, in an effort to remedy the deficiency, the Office cites Jerding '616. *Action*, pp. 20-24. Jerding '616 is directed to "providing a plurality of programming services in a television system." *Jerdig '616*, Title.

However, in rejecting former claim 31, upon which the subject matter of the current amendment is based, the Office acknowledges that the purported combination of Knudson '823, D'Souza, and Jerding '616 does not teach or suggest that "the content includes remote content available over the WAN and local content available locally on the client," and cites Hassell in an effort to remedy the deficiency. *Action*, pp. 27-28.

Hassell describes a “television program guide with a digital storage device and a secondary storage device.” *Hassell*, Title. Hassell discusses storing programs or movies locally in a storage device contained in a set-top box. See *Hassell*, [0038]-[0041].

However, none of the cited documents, whether taken alone or in combination, teach or suggest “local content being comprised of user provided content,” as recited in amended claim 25.

For at least the reasons presented herein, the combination of Knudson ‘823, D’Souza, and Jerding ‘616, with or without the addition of Hassell does not teach or suggest all of the features of claim 25. Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 25.

#### Dependent Claims 27-29

Claims 27-29 depend from independent claim 25. As discussed above, claim 25 is allowable over the cited documents. Therefore, claims 27-29 are allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for the additional features that each recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claims 27-29.

#### Claims 26 is Non-Obvious Over Knudson ‘823 in view of D’Souza and Jerding ‘616 and further in view of Jerding ‘982

Claim 26 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Knudson ‘823 in view of D’Souza and Jerding ‘616 and further in view of Jerding ‘982. Applicant respectfully traverses the rejection.

Dependent Claim 26

Claim 26 depends from independent claim 25. As discussed above, claim 25 is allowable over the combination of Knudson '823 in view of D'Souza and Jerding '616. Jerding '982 is cited for allegedly teaching that "the virtual tuner is further executable to terminate execution of the one or more said applications," as recited in claim 26. However, Jerding '982 fails to remedy the deficiencies of Knudson '823, D'Souza, and Jerding '616 as noted above with regard to independent claim 25. Therefore, claim 26 is allowable over the cited documents of record at least for dependency from an allowable base claim, and also for the additional features that it recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 26.

**Claim 30 is Non-Obvious Over Knudson '823 in view of D'Souza and Jerding '616 and further in view of Knudson '577**

Claim 30 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Knudson '823 in view of D'Souza and Jerding '616 and further in view of Knudson '577. Applicant respectfully traverses the rejection.

Dependent Claim 30

Claim 30 depends from independent claim 25. As discussed above, claim 25 is allowable over the combination of Knudson '823 in view of D'Souza and Jerding '616. Knudson '577 is cited for allegedly teaching that "the WAN is the Internet," as previously recited in claim 30. However, Knudson '577 fails to remedy the deficiencies of Knudson '823, D'Souza, and Jerding '616 as noted above with regard to independent claim 25. Therefore, claim 30 is allowable over the cited documents of record at least for

dependency from an allowable base claim, and also for the additional features that it recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 30.

**Claim 31 is Non-Obvious Over Knudson '823 in view of D'Souza and Jerding '616 and further in view of Hassell**

Claim 31 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Knudson '823 in view of D'Souza and Jerding '616 and further in view of Hassell. Applicant respectfully traverses the rejection. Nevertheless, without prejudice to or disclaimer of the subject matter recited therein, Applicant cancels claim 31, thereby rendering the rejection moot.

**New Claims 41-62**

New dependent claims 41-62 are presented for the first time herein. Applicant respectfully asserts that claims 41-62, which each ultimately depend from one of independent claims 1, 9, or 25, are allowable over the cited documents of record at least for dependency from an allowable base claim, and also for the additional features that each recites.

For example, claim 41 recites that the guide application of claim 1, “responsive to [a] particular media asset being selected, passes a selection to the virtual tuner, the selection including: the user-submitted selection; and an indication of how the particular media asset is encoded or encrypted.” None of the cited documents teach or suggest a guide application passing a selection including an indication of how a particular media

asset is encrypted or encoded responsive to the type of the particular media asset being selected, as recited in new claim 41.

As another example, claim 42 recites “the locally available media assets further including **a user provided local media asset.**” None of the cited documents teach or suggest “the locally available media assets further including a user provided local media asset,” as recited in new claim 42.

As yet another example, claim 52 recites:

A method as described in claim 9, wherein managing the lifecycle includes the virtual tuner:

launching the chosen one or more applications;  
terminating the chosen one or more applications; and  
managing windows where the output of the selected content is rendered.

None of the cited documents teach or suggest that “managing the lifecycle includes the virtual tuner: launching the chosen one or more applications; terminating the chosen one or more applications; and managing windows where the output of the selected content is rendered,” as recited in new claim 52.

In contrast, at most the cited documents, if taken in combination, may describe an EPG system that provides access to an index of editorial content from a surf guide (which is separate from an EPG display), that when a user selects the editorial content from the index the selected editorial content can replace the index, that the system may include an application launcher for several types of content, and that a user can close content.

Accordingly, Applicant respectfully requests that the Office examine new claims 41-62.

## **Conclusion**

For at least the foregoing reasons, all pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application.

If any issues remain that would prevent allowance of this application, **Applicant requests that the Examiner contact the undersigned representative before issuing a subsequent Action.**

Respectfully Submitted,

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